



Truro Planning Board Agenda

Remote Public Meeting – Work Session

Wednesday, December 14, 2022 – 4:00 pm

www.truro-ma.gov

Open Meeting

Remote Meeting Access Instructions: Citizens can join the meeting to listen by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [653-416-861#](tel:653-416-861#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/653416861>

Minutes:

- ◆ Assignment of Today's Minutes
- ◆ Approval of Minutes: October 19, 2022 and November 16, 2022
- ◆ Outstanding Minutes: None

Planner Report

Chair Report

Potential Warrant Articles:

1. Street Definition
2. Duplex Bylaw
3. Undersize Lots

Next Work Session – Wednesday, December 21, 2022 at 5:00 pm

Adjourn





TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 19, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Katie Adams (Representative for Crown Castle – Applicant); William Rogers (Civil Engineer and Land Surveyor- Representative for Matthew Bramble and Murray Bartlett - Applicants); Karen Ruymann (Candidate for Potential Member on the Planning Board).

Remote meeting convened at 5:00 pm, Wednesday, October 19, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni announced that the Open Space Committee (OSC) has been working on the Open Space and Recreation Plan (OSRP). The OSC will hold a virtual meeting on October 27th, 2022, at 6 pm and there will be additional information on the Town's website. Town Planner/Land Use Carboni noted that the OSC could use community input as they prepare the OSRP. The Local Comprehensive Plan Committee (LCPC) held a successful event last week and Town Planner/Land Use Counsel Carboni invited Chair Greenbaum and Member Althaus to comment on the event.

Chair Greenbaum stated that the LCPC event was successful as there were 76 attendees in attendance in addition to the Members of the LCPC. Chair Greenbaum commented that there was great participation and wonderful ideas. Member Althaus concurred with Chair Greenbaum's comments. Chair Greenbaum added that the event was not recorded but notes were taken at the event and will be distributed.

Chair Report

Chair Greenbaum reported that she had attended the recent LCPC event. Chair Greenbaum further reported that she attended last week's Truro Housing Authority meeting to obtain their thoughts about

potential Warrant articles. Topics discussed were continuing to work on a Duplex Bylaw article, nonconforming lots for affordable housing, and multifamily housing.

Chair Greenbaum added that she will attend tomorrow's Charter Review Committee meeting to share the Members' comments about the length of term for the Planning Board.

Board Action/Review (Continued)

2022-005/PB - Regan McCarthy seeks approval of Form A- Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Chair Greenbaum announced that the Applicant has requested an extension until November 2nd, 2022, so there will be no action this evening.

Board Action/Review

2022-006/PB- Matthew Bramble and Murray Bartlett seek approval of Form A-Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 31 and 33 Sylvan Lane, Truro MA, Atlas Map 43, Parcels 74 and 75, Registry of Deeds title reference: Books 33585/35191, Pages 120/48.

Chair Greenbaum recognized Mr. Rogers who provided background and elements of the application. Chair Greenbaum then added that Mr. Rogers had submitted information regarding the status of the road as requested by the Members. A brief discussion ensued between the Members and Mr. Rogers.

Member Althaus made a motion to endorse the ANR in this matter.

Member Townsend seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum congratulated Mr. Rogers who thanked the Members, Planning Department Administrator Liz Sturdy, and Town Planner/Land Use Counsel Carboni for their help.

2022-010/SPR – Crown Castle/DISH Wireless, on property located at 344 Route 6 (Atlas Map 39, Parcel 172). Applicant seeks a Special Permit under Section 40.5 of the Truro Zoning Bylaw, and as an Eligible Facilities Request for a minor modification under Section 6409 and the rules of the Federal Communications Commission ("FCC"), to modify an existing tower: adding three (3) antennas, six (6) remote radio units, and one (1) over voltage protection device at the 122' centerline height on the tower, three (3) DC power cables, three (3) fiber trunks and one (1) radio cabinet in the existing fenced compound.

Chair Greenbaum recognized Ms. Adams who provided background information and an update on the proposed low-profile tower as well as the Structural Analysis which was submitted to the Planning Board. The Structural Analysis concluded that the tower passes the Risk Category 3 criteria.

Town Planner/Land Use Counsel Carboni agreed with Vice Chair Roberts that a written confirmation by the engineer who conducted the Structural Analysis could be a condition for an endorsement of this application. Ms. Adams stated that she would coordinate this condition with Crown Castle.

Chair Greenbaum and Town Planner/Land Use Counsel Carboni reviewed the standard conditions with Members prior to entertaining a motion to endorse this application.

Vice Chair Roberts made a motion to approve a Special Permit for this work and an Eligibility Facilities Request (EFR) for the 344 Route 6 tower.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked Ms. Adams who then thanked the Members before her departure. Town Planner/Land Use Counsel Carboni noted that Ms. Adams' presentation was the best presentation on a modification of equipment, and it will be the standard by which she will judge any other modifications to the tower. Chair Greenbaum and Members concurred.

Development of Warrant Articles

Chair Greenbaum suggested that the development of Warrant articles be discussed at the next Work Session. Members concurred with this suggestion.

Interview of Potential Planning Board Members

Chair Greenbaum confirmed that the interviews for the potential Members of the Planning Board will occur next Tuesday, October 25th, 2022, at 3 pm. Chair Greenbaum then reviewed the standardized questions from Select Board Policy #13 with Town Planner/Land Use Counsel Carboni and the Members. Chair Greenbaum and the Members discussed additional potential questions which they would like to ask the candidates. The Members then discussed the process for the candidate interviews.

Chair Greenbaum recognized Ms. Ruymann who read an email that she had received from Town staff today regarding the October 25th, 2022, Planning Board interviews that included the list of questions but stated that the interviews would begin at 5 PM. Ms. Ruymann wanted the Members to be aware of the email and the information. Chair Greenbaum thanked Ms. Ruymann for the information.

Chair Greenbaum announced that there will be two additional questions asked of the candidates and Town Planner/Land Use Counsel Carboni added that the interview time will be clarified with Town staff prior to the interviews.

Minutes

Chair Greenbaum led the discussion and review of the minutes of the September 7th, 2022 meeting. There were no revisions or edits.

Vice Chair Roberts made a motion to approve the September 7, 2022, meeting minutes as submitted.
Member Kiernan seconded the motion.
So voted, 6-0, motion carries.

Chair Greenbaum led the discussion and review of the minutes of the September 28th, 2022 Work Session. There were no revisions or edits.

Member Kiernan made a motion to approve the September 28, 2022, minutes as submitted.
Member Althaus seconded the motion.
So voted, 6-0, motion carries.

Chair Greenbaum announced that the next work session was dependent upon Health and Conservation Agent Emily Beebe's availability and that she will know in a day or so. If Health and Conservation Agent Beebe was not available, there would not be a work session.

Member Rierner made a motion to adjourn the meeting at 6:20 pm.
Vice Chair Roberts seconded the motion.
So voted, 6-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers", with a stylized flourish at the end.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 16, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Jeff Souza-Truro Fire Department; Christopher Senie (Attorney for Regan McCarthy – Applicant); Victoria Dalmas (Attorney for Regan McCarthy – Applicant); Kiernan Healy (BSC Group Surveyor for Regan McCarthy – Applicant); Ben Zehnder (Attorney for Loic Rossignon – Applicant); Loic Rossignon (Applicant); Alison Alessi (A3 Architects for Loic Rossignon – Applicant)

Remote meeting convened at 5:01 pm, Wednesday, November 16, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported that there will be virtual community forum for the Open Space Committee tomorrow at 5:30 pm and the public's input will assist in the development of the Open Space and Recreation Plan (OSRP). Town Planner/Land Use Counsel Carboni hoped that people would attend.

Chair Report

Chair Greenbaum reported that she has met with the Chairs of several other committees to submit a joint request for a budget line item for funding community engagement. This would fund childcare, food, outreach materials and materials for events. The request will be submitted shortly.

Chair Greenbaum met with the Truro Housing Authority recently and she received very good feedback on the Duplex Bylaw which the Members will discuss later in this meeting.

Chair Greenbaum asked Vice Chair Roberts for an update on the “*street*” definition Bylaw and Vice Chair Roberts provided an update that two of three Town respondents (police chief, fire chief, and DPW

director) had submitted replies. Town Planner/Land Use Counsel Carboni opined that the Planning Board could not delegate authority to make decisions on a matter that falls within the Zoning Bylaw. There will be more discussion during the Public Forum portion of tonight's meeting.

Temporary Sign Permit Applications

Jeff Souza - Lower Cape Homeless for the Holidays, for two (2) signs, approximately 4' x 5', to be located at the junction of Route 6 and 6A. The signs will be installed on November 26th, 2022 and removed December 12th, 2022.

Chair Greenbaum recognized Mr. Souza who provided information on the application and the event will occur at Truro Vineyards to collect toys, canned food, and money for the homeless on the Lower Cape.

Member Althaus made a motion to approve the temporary sign permit application.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Public Forum - Warrant Article - Potential Changes to Duplex Bylaw

Chair Greenbaum opened the public forum on the potential changes to the Duplex Bylaw and asked if anyone from the public would like to comment and there were none. Chair Greenbaum noted that she had received comments from the Truro Housing Authority which she would share with Members.

Chair Greenbaum, Members and Town Planner/Land Use Counsel Carboni discussed the following topics: Section C of the Duplex Bylaw, duplex designation, 12-month leases, building inspector's knowledge of nonconforming lots or structures, Bylaw enforcement, and the 3,600 square foot of gross floor area.

Chair Greenbaum and Town Planner/Land Use Counsel Carboni will prepare the document for the Select Board with these potential changes along with input from Health & Conservation Agent Emily Beebe.

Board Action/Review (Continued)

2022-005/PB - Regan McCarthy seeks approval of Form A- Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Chair Greenbaum recognized Attorney Senie who introduced his colleagues Attorney Dalmas and Mr. Healy. Attorney Senie stated that Ms. McCarthy would not be in attendance due to a family emergency, but Ms. McCarthy wished for the review to continue. Attorney Senie provided an update from his correspondence with the National Park Service. Attorney Senie was given the opportunity to present a detailed PowerPoint presentation that he shared and discussed with the Members. Attorney Senie stated that the plan now before the Members was a Perimeter ANR showing the same 5.38-acre parcel with the 2021 division line removed. This plan does not show a "division of land". Attorney Senie stated that there have been no changes in the title to the property and no physical changes on the ground.

Upon the conclusion of his presentation, Attorney Senie asked the Members to endorse the Perimeter Plan.

Town Planner/Land Use Counsel Carboni addressed Attorney Senie's description of the legal issues with a focus on the division of land and Attorney Senie responded.

Chair Greenbaum then led an extensive discussion with Attorney Senie, Mr. Healy, Town Planner/Land Use Counsel Carboni, and the Members with a focus on the Dirt Path Extension and the Proprietors Road which both cross National Seashore property.

After the discussion was completed, Town Planner/Land Use Counsel Carboni stated that she would be comfortable to allow the Applicant to withdraw the application without prejudice or ask for a continuance to gather more information. Member Kiernan suggested that the Planning Board should waive a reapplication fee should the Applicant withdraw the application without prejudice and reapply for the ANR later. There was no opposition to this suggestion by any Member.

Since his client was unavailable, Attorney Senie requested a postponement of the discussion until the Planning Board's next meeting on December 7th, 2022, with the Applicant agreeing for the Planning Board to extend the date for the Planning Board to act. Town Planner/Land Use Counsel Carboni opined that a vote was not necessary as this was a postponement and not a continuance. Attorney Senie also thanked the Members for waiving a reapplication fee for the Applicant in the future should that occur.

Chair Greenbaum thanked Attorney Senie, Attorney Dalmas, and Mr. Healy for appearing this evening and Attorney Senie thanked the Members upon his departure.

Public Hearing

2022-011/SPR - Robert Christopher Anderson and Loic Rossignon, for property located at 8 Stick Bridge Road (Atlas Map 54, Parcel 89, Registry of Deeds Book 31230 and Page 33). Applicants seek Residential Site Plan approval under Section 70 of the Truro Zoning Bylaw for addition to historic dwelling; demolition of cottage, and construction of new garage/studio; with landscaping and pool with porch pavilion, on a 3.66-acre non-conforming property (frontage), located in the Seashore District.

Chair Greenbaum opened the public hearing and stated that the goal for this evening was to review the checklist with Attorney Zehnder and to identify any information that is incomplete or missing. Attorney Zehnder introduced Mr. Rossignon (Applicant) and then quickly reviewed the plan. Chair Greenbaum noted that the Members will conduct individual site visits based upon availability of the Members.

Chair Greenbaum and Members reviewed the checklist, and the Members noted the following incomplete or missing items: Seashore District Zoning Table (reformat requested by Planning Board and agreed to by Attorney Zehnder), delineation of lines around the Eagle Neck Creek Bridge Project on the plan, appearances and locations of retaining walls or concrete walls around the pool, more information about the retaining walls or sustaining walls on the property line, new addition plan shows a set of stairs going down but no plan for the basement, drainage calculations for the driveway and its adequacy,

Natural Heritage and Endangered Species Act inquiry, Limit of Work is missing parking, storing of vehicles and equipment, or staging of equipment, and the elevations for the pool and are steps going up or down from the pool.

Attorney Zehnder appreciated that Members' questions and requested Members to contact him if there were any other questions after tonight's hearing.

Chair Greenbaum asked if there were any members of the public who would like to comment on this matter and there were none.

Member Kiernan made a motion to continue this matter until December 7th, 2022.

Member Riemer seconded the motion.

So voted, 7-0, motion carries.

Attorney Zehnder thanked the Members and departed the meeting.

Minutes

Chair Greenbaum led the discussion and review of the minutes of the October 12th, 2022, meeting. There were no revisions or edits. Vice Chair Roberts was not present at the meeting and Member Frazier was not yet appointed so both abstained from voting on these minutes.

Member Riemer made a motion to approve the October 12, 2022, meeting minutes as submitted.

Member Kiernan seconded the motion.

So voted, 5-0-2, motion carries.

Chair Greenbaum proposed a Work Session, on November 30th, 2022, from 4:30 pm to 5:45 pm, to discuss the definitions of a "**street**" and a "**nonconforming lot**" (for affordable housing on undersized lots). There were no objections from Members.

Chair Greenbaum announced that Tuesday, December 6th, 2022, will be the draft review for the Housing Production Plan.

Member Riemer made a motion to adjourn the meeting at 7:34 pm.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

Truro Article draft – Street Definition – V1, 10-28-2022 (edit of 2015 article for 2023 ATM – first pass):

Second Edit, V2, 11-13-2022

Third Edit, V3, 11-17-2022

Fourth Edit, V4 12-9-2022

10.4 Definitions

Street: A private or public way by which vehicles and pedestrians can safely gain access to and egress from homes, places of business and other locations. For the purposes of this bylaw, the terms “street” and “road” bear the same meaning. The term “way” as used in Section 30.11 refers to a travelway not yet determined to be classifiable as a “Street” by one of the means outlined therein.

New Section 30.11 Streets and Frontage

A. Purpose:

1. It is the intent of this section to provide the minimum requirements for streets in Truro in order to qualify as safe and adequate for the purposes of obtaining a building permit from the Building Commissioner on an existing private way.
2. All ways submitted to the Town for qualification as “Streets” must satisfy the qualifications enumerated in paragraph C below, except as otherwise noted. In addition, submitted ways applying for status as “Streets” must be qualified in accordance with either paragraph D or E below.

B. Ways Prequalified as “Streets”:

1. A paved public way with a 20’ minimum Right of Way width , created prior to January 1989, which has been accepted by the Town at ATM and which the Town Clerk certifies is maintained and used as a public way; or,
2. A way that has been approved, endorsed, recorded and constructed in accordance with the subdivision control law in effect at the time of approval.

C. General Qualifications: these criteria are required of all ways applying for status as Streets:

1. Roads shall have a smooth graded or paved surface free of ruts, potholes or other impediments to vehicular travel to the extent that a passenger car can negotiate the road safely at a continuous speed of at least 10 mph.
2. Public Safety Clearances: In order to provide safe passage for safety and emergency vehicles ways submitted for approval as “streets” must satisfy the minimum clearance requirements enumerated in Sections 1-9-13-1 through 1-9-13-3 of the Town of Truro General Bylaws.
3. All ways submitted for approval as Streets via paragraphs D and E below shall have fully defined and established right-of-way boundaries capable of being fully established and identified in the field by survey. Field survey of the right-of-way shall be conducted at the

applicant's expense and a survey plan stamped by a licensed Land Surveyor shall be submitted with the application requesting that the way be granted Street status.

4. Right-of-ways acceptable for Streets shall have non-zero land areas (that is, defining a right-of-way as a single line between adjacent lots is not acceptable). Land area that is included within the boundaries of adjacent lots cannot be utilized as all or part of a Right-of-Way.
5. Applications for the granting of Street status shall include a letter of petition signed by all parties who have a share of ownership in the Right-of-Way or frontage thereon.
6. Streets must be continuously connected to previously approved streets (that is, newly approved Streets cannot be isolated from other Streets and accessible only by ways that do not have Street status). Streets may be approved for only a portion of their full length provided they satisfy this continuity requirement.

D. Approval by Geometric (Quantitative) Means: A "way" may qualify as a "Street" provided that the following criteria are satisfied:

1. A way that was in existence on December 8, 1955 and meets the following minimum criteria, per a.) thru d.) below:

a. Parameters relating to number of lots on the road (table below):

Number of Lots on Road*	1-5	6-10	11-20	21 or more
Minimum Roadway Width	8 feet, plus 3 feet clearance on both sides	14 feet	16 feet	18 feet
Maximum Allowable Grade	12%	10%	8%	8%

*Undeveloped parcels with more than 300 feet of frontage on candidate streets shall be counted as multiple lots by dividing the lot frontage by 150 feet and rounding the result to the next lowest whole integer.

- b. Minimum Compliant Roadway Length: 100' (see Subdivision Regulations).
- c. Minimum Property Line Diameter at closed end of dead-end streets: 80 feet.
- d. ROW Property Lines at Street Intersections shall be radiused as necessary to allow for a minimum 20' curb radius on edge of the traveled surface plus a minimum 3' wide shoulder or utility panel outboard of the curb radius contained wholly within the ROW.

E. Approval by Qualitative Means: For ways that do not meet the above Geometric requirements of paragraph D, the Planning Board may make a qualitative determination of the adequacy of a street using the procedure outlined below:

1. The request can be for a determination of the entire length of street or a determination of the street up to and including a lot located on said street.
2. Upon the filing of a request by the applicant and prior to the public hearing said request shall be transmitted to the Police and Fire Departments and the Department of Public Works. Each department noted above shall conduct an on-site review of existing conditions and shall submit written notice of any public safety concerns. These

departments will have a period of 14 days from the date of the request to submit their comments regarding the proposed acceptance of the way as a street to the Planning Board.

3. Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of the request for determination. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties along said street.
4. Requirements – The applicant shall show to the satisfaction of the Planning Board that the street has sufficient width, suitable grades and adequate construction to provide access for emergency vehicles as well as safe travel and adequate circulation. The Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines.
5. The Planning Board's Decision on the determination of adequacy of the street shall be filed with the Town Clerk. Any appeal from that decision must be commenced within sixty (60) days from the date of filing with the Town Clerk under the provisions of Massachusetts General Laws Chapter 249, Section 4.

F. Recording:

1. Applications for Street status shall include the following:
 - a. A petition signed by all parties with ownership or frontage on the proposed Street.
 - b. Petitions for Street status shall identify the individuals or entities responsible for future maintenance of the street and the parties financially responsible for that street maintenance.
 - c. Identification of the extents of the street (if a partial length of the way is submitted for acceptance).
 - d. A survey plan of the right-of-way stamped by a licensed Land Surveyor.
2. The Town Clerk shall keep and maintain a list of all ways previously qualified as Streets by any of the means described in paragraphs B through E above.
3. The length of a partially approved street shall be recorded by reference to street address of adjacent lots or to Town Assessor's office tax map parcel number(s).